P.R. No. SP 2076
Presented by Shri Basant Kanwar
date 12/9/06

Single Bench (4) (1)

CF1002

In the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur (C.G.)

W.P.NO. 5069 2006

Petitioner - Motilal Sahu, aged 51 years,
Son of Shri Khorbahraram Sahu,
Assistant Teacher, Govt. Primary School,
Hanoda, Tahsil & District Durg (C.G.)

VERSUS

Respondents -1. The State Government of Chhattisgarh,
Through – The Secretary,
Tribal Welfare Department Ministry,
D.K.S. Bhawan, Raipur (C.G.)

2. District Education Officer, Durg .

3. Block Education Officer, Durg
District Durg (C.G.)

Writ Petition Under Articles 226/227 of The Constitution Of India for the issuance of WRIT in the nature of MANDAMUS certiorari, Prohibition and for other suitable writ or writs, order or orders, direction or directions.

The petitioner most respectfully furnishes the particulars of the writ petition as under: -

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (s) No. 5069 of 2006

Petitioner : Motilal Sahu

Versus

Respondents : The State Government of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioner.
Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER

(18th September, 2006)

1. Learned counsel appearing for the petitioner submits that while working as Assistant Teacher, the petitioner has gone on training to improve his qualifications on his own expenses and acquired B.T.I. Examination Certificate in the year 1992 from the Board of Higher Secondary Education, Madhya Pradesh, Bhopal.

2. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B.T.I.

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Examination Certificate on his own expenses, are covered by the circular dated 24.12.98 (Annexure P/2) issued by the State Government of Madhya Pradesh

3. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

4. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B.T.I. Examination Certificate on his own expenses or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur